IN RE: PETITION FOR ADMIN. VARIANCE S/S Bentley Road, 1320' W of

Edelweiss Way (201 Bentley Road) 7th Election District 3rd Councilmanic District

James E. Proctor, Sr., et ux

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 98-360-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, James E. Proctor, Sr., and his wife, Ella K. Proctor. The Petitioners seek relief from Section 1A00.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1975 Regulations) to permit a side property line setback of 30 feet in lieu of the required 50 feet for a proposed two story, 25' x 26' addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted.

It is to be noted, however, that the Petition filed indicates that the proposed addition is needed in order to provide living quarters for the Petitioner's son. The Petitioners have indicated that Mr. Proctor

is in poor health and his son is moving back home to assist in his care. There is no indication that kitchen facilities are proposed to be included in the proposed addition. If kitchen facilities are intended to be incorporated within the proposed improvements, then the existing dwelling would be considered a two-family dwelling, which is not permitted without a special hearing. There was no opposition expressed by any adjoining property owner, nor any adverse comments submitted by any Baltimore County reviewing agency. Furthermore, the information, pictures, and affidavits submitted provide sufficient facts that the relief requested complies with the requirements of Section 307.1 of the B.C.Z.R. Thus, it appears that the relief requested can be granted without causing any detriment to the However, the relief granted herein shall be limited surrounding locale. to an addition to provide living quarters for the Petitioner's son, only. In the event the Petitioner's son moves away from the subject property, any kitchen facilities provided within the proposed addition must be removed and the property converted back to a single family dwelling.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22 day of April, 1998 that the Petition for Administrative Variance seeking relief from Section 1A00.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1975 Regulations) to permit a side property line setback of 30 feet in lieu of the required 50 feet for a proposed two story, 25' x 26' addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

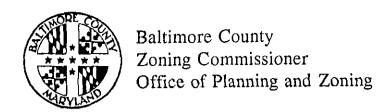
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed addition shall be occupied only by the Petitioner's son. The addition shall not be occupied by any other individuals, including other family members. In the event the Petitioner's son no longer resides in the proposed addition, then any kitchen facilities provided therein shall be removed from the premises and the dwelling shall be converted back to a single family dwelling.
- 3) In the event the son moves away from the property and the Petitioners find it necessary to bring in another family member or health care person to assist in Mr. Proctor's care, the Petitioners shall file a Petition for Special Hearing to determine the appropriateness of allowing that person to reside within the subject addition.
- 4) In the event the Petitioners desire to sell the subject property, it shall be listed and sold as a single family dwelling and shall in no way be represented as a two-apartment (two-family) dwelling.
- 5) Within sixty (60) days of the date of this Order and prior to the issuance of any occupancy permits, the Petitioners shall cause a copy of this Order to be recorded in the Land Records of Baltimore County so that any potential purchaser of the subject property will be on notice that this property can only be conveyed as a single family dwelling.
- 6) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

THOTHY M VOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

April 22, 1998

Mr. & Mrs. James E. Proctor, Sr. 201 Bentley Road Parkton, Maryland 21120

RE: PETITION FOR ADMINISTRATIVE VARIANCE

S/S Bentley Road, 1320' W of Edelweiss Way

(201 Bentley Road)

7th Election District - 3rd Councilmanic District

James E. Proctor, Sr., et ux - Petitioners

Case No. 98-360-A

Dear Mr. Howard:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: People's Counsel

File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 201 BENTLEY Ro. PARKTON. MP 2/120 which is presently zoned RC 5

This Petition shall be filed with the Dept. of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 A00, 3, B, 3, (1975 BCZR) To PERMIT A PROPERTY LINE SETBACK OF 30 FT. IN LIEU OF THE REQUIRED 50 FT. FOR A PROPULED ADDITION.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE OTHER SIDE

REVIEWED BY: UL DATE: 3/27/98

ESTIMATED POSTING DATE: 4 5 98

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			subject of this Petition.
		Legal Owner(s):	
		JAMES E. PRO	CTOR S.L.
		(Type or Print Name)	1 1
		James E la	octor Si-
		Bignature	
		ELLA K. PR	octor
		(Type or Print Name)	2
		Ella K. F.	exclos
State	Zipcode	Signature	
		201 BENTEY K	D- 410-343-8416
		<i>*</i>	
		PARKTON D	10- 2//20 State Zipcode
	., 	Name, Address and phone number of repr	esentative to be contacted
Phone N	No	Name	
State	Zipcode	Address	Phone No.
quested and/or found	to be required, it is orde	red by the loning Commissioner of Ballimore of stationard by the loning Regulations of Ballimore (County, this day of, 19,
County, and that the	properly be reposted.	ar - den - ar no remit wasenand of ramin	ere a continue of a complete to a figuration
		Jonina Comi	missioner of Baltimore County
	Phone I State quested and/or found tillon be set for a publi	Phone No State Zipcode	(egal owner(s)) of the property which is the Legal Owner(s): TAMES E. R. (Type or Print Name) Legal Owner(s): TAMES E. R. (Type or Print Name) Legal Owner(s): FLL A K. R. (Type or Print Name) State Zipcode Signature Phone No Signature Phone No Name Phone No Name State Zipcode Address Address Address Quested and/or found to be required, it is ordered by the Zoning Commissioner of Ballimore of Ballimore of Signature of the Property be reposted.

Printed with Soybean Ink on Recycled Paper

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 201 Bentley Rd.
Parkton, Maryland 21120 Zp Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)
I am 67 years old, in Sept. 1996 I was operated on for
cancer. In the process of this, I had a heart attack and
6 days later I had open heart surgery(4 by passes).
As the results of this I am unable to take care of my
property. I need this variance to build an addition so my
son can live here and take care of my property for me.
A P
may be required to provide additional information. Color Color Color Color
My Commission Expires: (2 70 //

Affidavit in support of Administrative Variance

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6 days later I had open heart surgery(4 by passes).
As the results of this I am unable to take care of my
property. I need this variance to build an addition so my
son can live here and take care of my property for me.
SP
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Line of Control
(type of print name) STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
1 HEREBY CERTIFY, this 17th day of much 1998, before me, a Notary Public of the State of Maryland, in and for the County atoresaid, personally appeared
JAMES E PROCTOR SR AND ELLA K PROCTOR
<u>JAMES E PROCTOR SR AND ELLA K PROCTOR</u> the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal.
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.



ESTIMATED POSTING DATE:

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 201 BENTLEY LA PARKTON MD 21/20
which is presently zoned RC 5

This Petition shall be filled with the Dept. of Permits & Development Management
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) / AOO. 3. B. 3. (1975 BCZK) TO.

PERMIT IN PROPERTY LINE SETBACK OF 30FT IN LIEW OF THE REGUIRED
50FT FORM PROPOSED ADDITION

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE OTHER SIDE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

REVIEWED BY:	_ DATE:	£ 25	Printed with Soybean Ink	ITEM #:
			-	Zoning Commissioner of Bailtimore County
A Public Hearing having bee that the subject matter of this circulation throughout Baltin	s petition be set for a pub	ille hearing , advertised, a	ored by the Zoning Commissioner a as required by the Zaning Regulation	of Baltimore Counly, this day of , 19 ons of Baltimore Counly, in two newspapers of general
City	State	Zipcode	. Address	Phone No.
Address	Phone	No.	Name	
Signature			Name, Address and phone n	number of representative to be contacted
		1	PARKTON	MD - 2//20 State Zipcode
(Type or Print Name)	······································		201 BENT	LEY Ro- 4/0:343-0470 Phone No.
Attorney for Petitioner.				. 0
City	State	Zipcode	Signature	Mon
, Addioss			Ella 1	K. Partor
Address			(Type or Print Name)	TROCTOR
Signature			FI A V	PROCTOR
		······································	James a	PROCTOR SR.
(Type or Print Name)			(Type or Print Name)	, VECTOR SE-
Collinate, archagoly ecoson			• '	Person P 50
Contract Purchaser/Lessee			Legal Owner(s):	
				nd affirm, under the penalties of perjury, that I/we are the rwhich is the subject of this Petition.

18.360 A

ZONING DESCRIPTION FOR 201 Bentley Rd. Parkton, Md. 21120
Beginning at a point on the south side of Bentley Rd.
which is 60 feet wide at the distance of 1320 feet west of the centerline of the nearest improved intersecting
street Edelweiss Way which is 50 feet wide. Being Lot# 39
Block , Section# 3 in the subdivision of Bentley Estates as recorded in Baltimore County Plat Book# EHKJR37, Folio#15
containing 3.264 acres. Also known as 201 Bentley Rd. and located in the 7th Election District, 3rd Councilmanic District.

98-360-A

TO HOS CASHER WILL UN DOUGH S HESTLANDS CASH RECEPT PEZIPT # (CP)575 50.00 ared Baltime Courts, Navional CASHER'S VALIDATION CAR. CAR 801370 N O AND 36 YELLOW - CUSTOMER AMOUNT \$ ACCOUNT BALTIMORE COUNTY, MAF OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT PINK - AGENCY DISTRIBUTION WHITE - CASHIER RECEIVED FROM: FOR I

CERTIFICATE OF OSTING

· ·	RE: Case No.: 38-360-A		
	Petitioner/Developer:		
	J.L. LEWIS		
	J. L. Lowis Date of Hearing/Closing: 4/20/98		
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204			
Attention: Ms. Gwendolyn Stephens			
Ladies and Gentlemen:			
This letter is to certify under the penalties of per	jury that the necessary sign(s) required by law		
were posted conspicuously on the property loca 201 BEA			
	+/4/98 Month, Day, Year)		
TONING TONING TONING TONING THE MANUS TONING THE PROPERTY OF T	Sincerely, Signature of Sign Poster and Date) CICHARD E. HOFFMAN (Printed Name) 904 DELLUCOIS DR. (Address) FALLSTON, MO 21047 (City, State, Zip Code) (410) B79-3127 (Telephone Number)		
201 BENTLEY RD			

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Cono	Number 00	3/8	Λ	1	0 00 00	65	
Case	Mulliper 30	360 -	A Ad	aress <u>~~~</u>	BEWTLE	Y KD.	
Conta	ct Person: _	ULEWIS Planner, Ple	ase Print Name		Pho	ne Number: 4	10-887-3 391
Filing	Date: _	$\frac{\text{JLEWIS}}{\text{Planner, Ple}}$	Posting i	Date: <u>4/5/9</u>	8	Closing Date	: 4/20/98
Any c	contact mad the contact	e with this office ct person (planne	regarding the	status of the e number.	administ	trative variand	e should be
1.	he/she is re the sign po costs. The	COST: The petites ponsible for all petites on the appreciation zoning notice sign. It should rema	orinting/posting oved list and tl gn must be vis	costs. Any reparted to the costs of the costs of the costs of the pro-	oosting m again res perty on	ust be done o sponsible for a	nly by one of Ill associated
2.	public heari	The closing daing. Please unde is not complete of the compl	rstand that eve	n if there is no	hbor to formal re	file a formal r equest for a pu	equest for a ablic hearing,
3.	commission order that (typically wi	After the closing ter. He may: (a the matter be se thin 7 to 10 days vill go to public he) grant the req et in for a pub of the closing	uested relief; (lic hearing. \ date) as to whe	b) deny to You will rether	the requested receive writter petition has b	relief; or (c) n notification een granted,
4.	(whether do commission changed give	PUBLIC HEARING to a neighbor vier), notification ving notice of the tification of this ch	r's formal requ will be forward hearing date, t	est or by orde led to you. T ime and locatio	er of the The sign on. As wi	zoning or de on the prope hen the sign w	eputy zoning erty must be vas originally
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				VARIANCE S		MAT	
	Number 98-		Address _	201 BEN	/	KID A COST	<u> </u>
Postir	ng Date:	45/98	 	Closing Da	te:	7/20/	<u> </u>
Wordii	ng for Sign:	To Permit A F	PROPERTY LIN	E SETBACK O	DF 301	T IN LIEU	OF
		50 FT. FURA				<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>	



Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Ave: Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

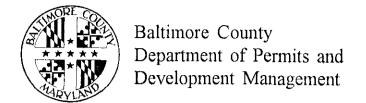
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 360
Petitioner: JAWES E. PROCTOR &.
Location: 10/ BENTLEY RD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: JAMES E. PROCTOR
ADDRESS: 201 BENTLEY RD
PARKTON, MD 21120
PHONE NUMBER: 410-343-0470

AJ:ggs

98.360-A

(Revised 09/24/96)



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 16, 1998

James and Ella Proctor 201 Bentley Road Parkton, MD 21120

RE:

Item No.: 360

Case No.: 98-360-A

Petitioner: James and Ella Proctor

Location: 201 Bentley Road

Dear Mr. & Mrs. Proctor:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 27, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

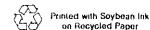
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

Zoning Supervisor

WCR:ggs
Attachment(s)



DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

POM

DATE:

FROM:

R. Bruce Seeley.

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Meeting Date:

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP



David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4.3.5 /

Item No. 360

366

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Houll In Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Department of Permits and Development Management

DATE: April 3, 1998

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 320, 347, 356, 357, 358, and 360,

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:

Division Chief: Cary L. Kerns

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

:OT

Arnold Jablon, Director

Date: April 16, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for April 13, 1998

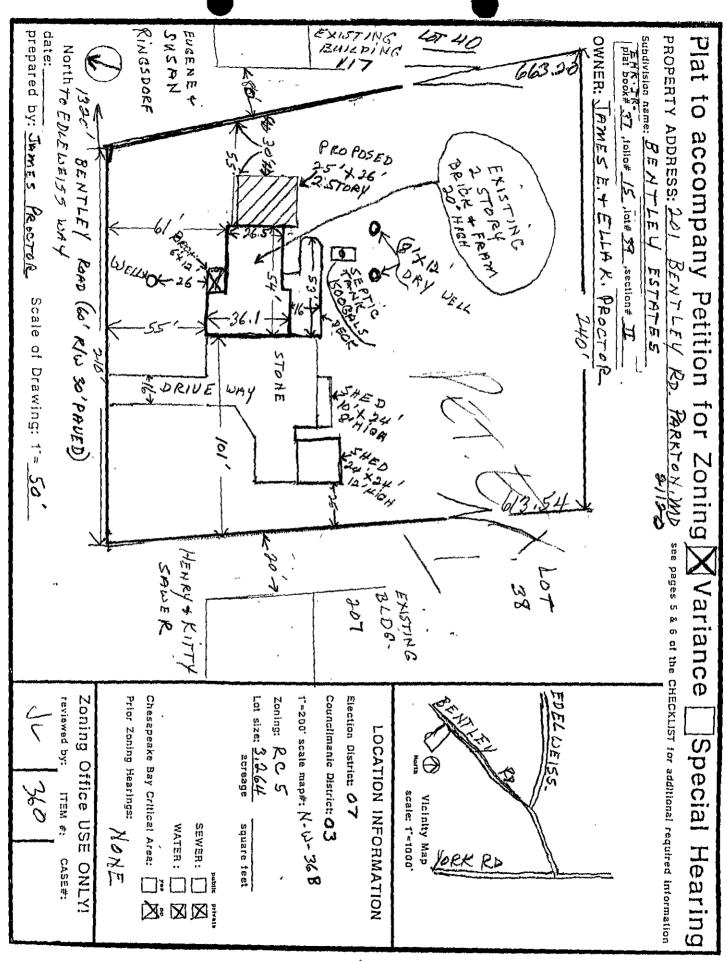
Item Nos. 348, 350, 352, 353, 355,

356, 357, 358, 359, and 360

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File









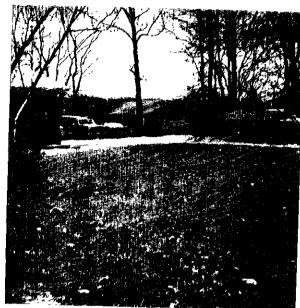
ANEXT DOOR PROPERTY IN



BACK CORNER



BACK CORNER



OPPOSITE END OF HOUSE



MY PROPERTY LINE



MY PROPERTY LINE FRONT



